

EXHIBIT A

CONDENSED COPY

1 UNITED STATES DISTRICT COURT
2 SOUTHERN DISTRICT OF NEW YORK
3 Civil Action No. 07-CV-3616 (MGC)

-----x
4 BABY BEAN PRODUCTIONS LLC,

5 Plaintiff,

6 -against-

7 DC SHOES, INC.,

8 Defendant.

-----x
9 February 6, 2008

10 12:05 p.m.

11
12 Deposition of DANNY PARKS, taken by
13 Defendant, pursuant to notice, at the offices of
14 Kane Kessler, P.C, 1350 Avenue of the Americas,
15 New York, New York, before SUZANNE PASTOR, a
16 Shorthand Reporter and Notary Public within and
17 for the State of New York.

18
19
20 ROSENBERG AND ASSOCIATES

21 Certified Court Reporters & Videographers

22 575 Madison Avenue

23 New York, New York 10022

24 Phone: (212) 868-1936 Fax: (212) 868-1967

25 www.rosenbergandassociates.com

1 Danny Parks - February 6, 2008

2 A. I would think, yes.

3 Q. Who is the KoNY event owned by?

4 A. Baby Bean and Luis Perez.

5 Q. So the event is owned by Baby Bean
6 and Luis Perez jointly?

7 A. Correct.

8 Q. And did there come a point in time
9 where you formed a partnership with respect to
10 the KoNY event?

11 A. Yes.

12 Q. And when did that happen?

13 A. In approximately August of 2005.

14 Q. You're sure of the date.

15 A. Mm-hmm.

16 Q. What were the circumstances under
17 which this partnership was formed?

18 A. I asked him, I'm starting a company
19 and I want to get involved in the event, I want
20 to partner up with you. And I asked his
21 permission.

22 Q. So at that point your goal was to
23 change the nature of your involvement in the
24 event from what it was to something different.

25 A. To something different, yes.

| | |
|---|---|
| <p style="text-align: right;">10</p> <p>1 Danny Parks - February 6, 2008</p> <p>2 Q. And who is Luis Perez?</p> <p>3 A. He's a really good friend of mine.</p> <p>4 I've known him for quite a while.</p> <p>5 Q. How long?</p> <p>6 A. I'm trying to think how old I am</p> <p>7 now. Over 20 years I believe.</p> <p>8 Q. And what was Luis's involvement</p> <p>9 with the KoNY event in August of '05?</p> <p>10 A. He was the existing owner of the</p> <p>11 event I guess. He started it and, yes, he was</p> <p>12 the owner of the event.</p> <p>13 Q. Why do you say that, he was the</p> <p>14 owner of the event?</p> <p>15 A. Well, because he didn't -- he sort</p> <p>16 of had a sport organizer. Someone who helped</p> <p>17 him do the coordination, some of the -- well,</p> <p>18 some of the coordination of the event.</p> <p>19 Q. So why did you say he was the owner</p> <p>20 of the event?</p> <p>21 MR. SONNABEND: I Object.</p> <p>22 A. Because he started it. It was his</p> <p>23 event.</p> <p>24 Q. Okay, that's your definition of an</p> <p>25 owner of the event. Someone who started it?</p> | <p style="text-align: right;">12</p> <p>1 Danny Parks - February 6, 2008</p> <p>2 Q. I think you already described that</p> <p>3 the partnership owned the event after that point</p> <p>4 in time.</p> <p>5 A. Correct.</p> <p>6 Q. Prior to that time, meaning August</p> <p>7 2005, did Danny Parks have any ownership</p> <p>8 interest in the event?</p> <p>9 A. No.</p> <p>10 Q. But as a result of this</p> <p>11 partnership, did you individually take with Luis</p> <p>12 Perez an ownership interest in the event?</p> <p>13 A. Baby Bean Productions, yes, I did.</p> <p>14 And me meaning Baby Bean Productions?</p> <p>15 Q. Well, we're talking about August</p> <p>16 2005, right?</p> <p>17 A. Right.</p> <p>18 Q. Didn't you already tell us that</p> <p>19 Baby Bean was created in January of '06?</p> <p>20 A. Correct. So -- well, we started</p> <p>21 discussing it in August of '05. And I told him</p> <p>22 that we were going to -- the reason that I</p> <p>23 started it was when I was going to start my</p> <p>24 company. And I knew it wasn't started then. It</p> <p>25 was going to be for next year in 2006. So --</p> |
| <p style="text-align: right;">11</p> <p>1 Danny Parks - February 6, 2008</p> <p>2 MR. SONNABEND: I object.</p> <p>3 A. Someone who started it, yes,</p> <p>4 someone who started it and runs it.</p> <p>5 Q. Where is the conducted?</p> <p>6 A. It has been conducted in the past</p> <p>7 at Mullally Park.</p> <p>8 Q. Every year it's been at Mullally?</p> <p>9 A. Correct.</p> <p>10 Q. Was there an event in 2005?</p> <p>11 A. I don't believe there was. There</p> <p>12 was a year that they skipped. I'm not sure</p> <p>13 which one it was.</p> <p>14 Q. Now, you formed this partnership in</p> <p>15 August 2005 with Luis Perez, is that correct?</p> <p>16 A. Mm-hmm.</p> <p>17 Q. What was the nature of the</p> <p>18 partnership?</p> <p>19 A. That it was -- I don't quite</p> <p>20 understand your question.</p> <p>21 Q. What is the purpose of the</p> <p>22 partnership?</p> <p>23 A. What's -- I mean, what's the</p> <p>24 purpose of a partnership? To run things</p> <p>25 together.</p> | <p style="text-align: right;">13</p> <p>1 Danny Parks - February 6, 2008</p> <p>2 repeat your question because I'm not quite</p> <p>3 following you.</p> <p>4 Q. I'll ask another question. When</p> <p>5 the partnership -- you already told us that the</p> <p>6 partnership was formed in August of 2005,</p> <p>7 correct?</p> <p>8 A. That's when we started discussing</p> <p>9 it.</p> <p>10 Q. That's when you started discussing</p> <p>11 it. So when was the partnership actually</p> <p>12 formed?</p> <p>13 A. I mean, I guess -- can you form --</p> <p>14 I'm just not quite sure if you can form a</p> <p>15 partnership -- yes, August 2005. August 2005.</p> <p>16 Q. So in August 2005 Baby Bean did not</p> <p>17 legally exist, correct?</p> <p>18 A. Correct.</p> <p>19 Q. So who were the original partners</p> <p>20 in the partnership?</p> <p>21 A. I guess myself and Luis.</p> <p>22 Q. So you individually and Luis.</p> <p>23 MR. SONNABEND: I object. He just</p> <p>24 answered that, Adam.</p> <p>25 A. Yes.</p> |

| | |
|---|--|
| <p style="text-align: right;">14</p> <p>1 Danny Parks - February 6, 2008</p> <p>2 Q. Now, at some point in time did Baby</p> <p>3 Bean Productions become a partner in this</p> <p>4 partnership?</p> <p>5 A. Well, the whole intent -- I guess</p> <p>6 technically, yes. But the whole intent was when</p> <p>7 we formed the partnership that is when I told</p> <p>8 him I was going to start my company. And so</p> <p>9 even though, yeah, I wasn't legally Baby Bean --</p> <p>10 I mean --</p> <p>11 Q. I think what we've already</p> <p>12 established is when the partnership was formed,</p> <p>13 august 2005, the original partners were yourself</p> <p>14 and Luis Perez, is that correct?</p> <p>15 A. If you want to look at it that way.</p> <p>16 Q. At some point in time thereafter,</p> <p>17 Baby Bean Productions was formed.</p> <p>18 A. Correct.</p> <p>19 Q. And did Baby Bean Productions</p> <p>20 become a partner in this partnership at some</p> <p>21 point in time?</p> <p>22 MR. SONNABEND: I object. He</p> <p>23 already answered that to the best of his ability</p> <p>24 I believe.</p> <p>25 A. To me it's semantics. It's -- Baby</p> | <p style="text-align: right;">16</p> <p>1 Danny Parks - February 6, 2008</p> <p>2 A. I believe from 1993 I believe until</p> <p>3 either 2000 or 2001.</p> <p>4 Q. What was his job at New York City</p> <p>5 Parks Department?</p> <p>6 A. A recreation specialist I believe.</p> <p>7 Q. Did he work at Mullally?</p> <p>8 A. Yes, he did.</p> <p>9 Q. When he first created the event,</p> <p>10 was he a New York City employee?</p> <p>11 A. I don't know. You'll have to ask</p> <p>12 him that question because he was a seasonal</p> <p>13 employee. So I don't know when he created it in</p> <p>14 his mind. When the event was first thrown? Is</p> <p>15 that what you're referring to?</p> <p>16 Q. In 1995 when the event was first</p> <p>17 created, was he working as a New York City Parks</p> <p>18 employee?</p> <p>19 A. I believe in June of 1995 when the</p> <p>20 event happened, I believe he was a New York City</p> <p>21 Parks employee.</p> <p>22 Q. You say he was a seasonal</p> <p>23 employees. Which seasons did he work in, do you</p> <p>24 know?</p> <p>25 A. Summer season.</p> |
| <p style="text-align: right;">15</p> <p>1 Danny Parks - February 6, 2008</p> <p>2 Bean Productions is me. Whether it's legal or</p> <p>3 not, I am Baby Bean Productions.</p> <p>4 Q. And did you individually transfer</p> <p>5 your partnership interest in this partnership to</p> <p>6 Baby Bean Productions at any point in time?</p> <p>7 A. I don't know how to answer that.</p> <p>8 Like I said, Baby Bean Productions is me. There</p> <p>9 was no transferring or needing to transfer or</p> <p>10 anything like that.</p> <p>11 Q. So there's no difference between</p> <p>12 you and Baby Bean Productions.</p> <p>13 MR. SONNABEND: I object to that</p> <p>14 question.</p> <p>15 You don't have to answer if you</p> <p>16 don't have an answer to that.</p> <p>17 A. I don't have an answer to that.</p> <p>18 It's semantics to me.</p> <p>19 Q. Semantics.</p> <p>20 A. I mean, legally, I guess there is,</p> <p>21 but if you ask me or Luis.</p> <p>22 Q. Was Luis a New York City Parks</p> <p>23 Department employee at any time?</p> <p>24 A. Yes, he was.</p> <p>25 Q. At what point in time?</p> | <p style="text-align: right;">17</p> <p>1 Danny Parks - February 6, 2008</p> <p>2 Q. And I think you said he remained an</p> <p>3 employee of the New York City Parks Department</p> <p>4 in 2000-2001?</p> <p>5 A. Somewhere around there, yes.</p> <p>6 Q. At some point in time did you enter</p> <p>7 into at written agreement regarding this</p> <p>8 partnership?</p> <p>9 A. With Luis Perez?</p> <p>10 Q. Yes.</p> <p>11 A. Yes.</p> <p>12 Q. When was that?</p> <p>13 A. April of '07 or '06. April of</p> <p>14 '07 -- no. April. I can't remember the year.</p> <p>15 Q. April, you don't remember the year.</p> <p>16 A. No.</p> <p>17 Q. Either '06 or '07?</p> <p>18 A. Yes.</p> <p>19 Q. And why did you enter into this</p> <p>20 written partnership agreement at that point in</p> <p>21 time?</p> <p>22 A. It needed to be on paper.</p> <p>23 Q. But at that point the partnership</p> <p>24 had been operating for a year or two, depending</p> <p>25 on when you formed it, with no piece of paper,</p> |

| | |
|---|---|
| <p style="text-align: right;">18</p> <p>1 Danny Parks - February 6, 2008</p> <p>2 correct?</p> <p>3 A. Correct.</p> <p>4 Q. Was there a particular reason why</p> <p>5 you decided it had to be on paper at that point</p> <p>6 in time?</p> <p>7 A. Yes.</p> <p>8 Q. What was that?</p> <p>9 A. For the DC Shoes King of New York</p> <p>10 issue.</p> <p>11 Q. What do you mean by that?</p> <p>12 A. Meaning something needed to be</p> <p>13 written down on paper to show that we had a</p> <p>14 partnership. We didn't need anything written,</p> <p>15 Luis and I.</p> <p>16 Q. Because you felt that was necessary</p> <p>17 for the purposes of this lawsuit.</p> <p>18 A. Correct.</p> <p>19 Q. And who told you that? And I don't</p> <p>20 want to know what your counsel may have told</p> <p>21 you. I'm not interested in that. But if anyone</p> <p>22 other than your counsel told you that that was</p> <p>23 necessary --</p> <p>24 A. No.</p> <p>25 Q. Did you come to that determination</p> | <p style="text-align: right;">20</p> <p>1 Danny Parks - February 6, 2008</p> <p>2 A. It's a partnership agreement. It</p> <p>3 says that we're partners in the event.</p> <p>4 Q. Anything else?</p> <p>5 MR. SONNABEND: I object. What's</p> <p>6 the purpose of this? Just to harass him?</p> <p>7 MR. COHEN: I want to know what his</p> <p>8 current recollection is of the document.</p> <p>9 Q. If you don't have any, you can tell</p> <p>10 me.</p> <p>11 A. It's a partnership agreement. It</p> <p>12 says we're partners in the event. It says we're</p> <p>13 co-owners of the event.</p> <p>14 Q. There's a lot of different things</p> <p>15 that a partnership agreement can say. I'm</p> <p>16 asking you what your understanding of what your</p> <p>17 partnership agreement says.</p> <p>18 A. And I'm telling you.</p> <p>19 Q. Tell me.</p> <p>20 A. I just did.</p> <p>21 MR. COHEN: Read it back, please.</p> <p>22 (The preceding answer was read.)</p> <p>23 A. I don't know it verbatim.</p> <p>24 Q. I don't expect you to know it</p> <p>25 verbatim.</p> |
| <p style="text-align: right;">19</p> <p>1 Danny Parks - February 6, 2008</p> <p>2 on your own?</p> <p>3 A. With some advice.</p> <p>4 Q. So this partnership agreement was</p> <p>5 signed at some point in time in April of '06 or</p> <p>6 April of '07, correct?</p> <p>7 A. It was April of '07, I'm pretty</p> <p>8 sure.</p> <p>9 Q. Do you remember the issues that was</p> <p>10 discussed in this partnership agreement?</p> <p>11 A. Between whom?</p> <p>12 Q. In the document. What were the</p> <p>13 issues that were addressed?</p> <p>14 MR. SONNABEND: I object to the</p> <p>15 question.</p> <p>16 A. The issues that were addressed were</p> <p>17 those of forming of a partnership.</p> <p>18 Q. Which are?</p> <p>19 MR. SONNABEND: I object to the</p> <p>20 question. The document says what the document</p> <p>21 says. Why don't you put it in front of him.</p> <p>22 A. Yeah. It says in the document.</p> <p>23 Q. I will. But I'm entitled to know</p> <p>24 what your current recollection of the document</p> <p>25 is. I'll put it in front of you when I'm ready.</p> | <p style="text-align: right;">21</p> <p>1 Danny Parks - February 6, 2008</p> <p>2 Any other issues you think are</p> <p>3 addressed in this partnership agreement other</p> <p>4 than that you're partners and co-owners?</p> <p>5 A. There's five paragraphs, four or</p> <p>6 five paragraphs. So yes, there probably are.</p> <p>7 Q. Who drafted that document?</p> <p>8 A. I did.</p> <p>9 Q. You did.</p> <p>10 A. I did.</p> <p>11 Q. Were you being assisted by counsel</p> <p>12 at that time?</p> <p>13 A. No.</p> <p>14 Q. And who are the parties to that</p> <p>15 document? Who signed it?</p> <p>16 A. Myself and Luis Perez.</p> <p>17 Q. And did you sign on behalf of</p> <p>18 yourself or on behalf of Baby Bean?</p> <p>19 A. On behalf of Baby Bean.</p> <p>20 Q. Let's take a look at it.</p> <p>21 (Defendant's Exhibit 1 for</p> <p>22 identification, Partnership Agreement, document</p> <p>23 bearing Bates production number P 000002.)</p> <p>24 Q. I'll ask you to take a look at</p> <p>25 what's been marked as Defendant's Exhibit 1.</p> |

22

1 Danny Parks - February 6, 2008
2 A. Okay.
3 Q. Do you recognize that document as
4 the partnership agreement we've been discussing?
5 A. I do.
6 Q. And is that your signature at the
7 bottom?
8 A. Yes, it is.
9 Q. Now, this document is dated
10 April 12th, 2007, correct?
11 A. Correct.
12 Q. Did you sign this document on or
13 about April 12th, 2007?
14 A. Yes.
15 Q. Do you see the fax line at the top
16 of the document of this copy?
17 A. Mm-hmm.
18 Q. Do you recognize that fax number
19 there?
20 A. No.
21 Q. There's a date next to the fax
22 number, July 16th, '07. Do you see that?
23 A. Mm-hmm.
24 Q. Are you certain that you signed the
25 document on April -- on or about April 12th,

23

1 Danny Parks - February 6, 2008
2 2007?
3 A. Yes.
4 Q. How can you be sure of that?
5 A. Because it's dated April 12th. I
6 remember writing that.
7 Q. That's your handwriting in the
8 date?
9 A. Yes.
10 Q. Now, did you understand this
11 document at the time you put your signature to
12 it?
13 A. Yes.
14 Q. You were the originator of this
15 document. You created this document.
16 A. Yes, right.
17 Q. Now, this document talks about
18 event property. Do you see that word appearing
19 in the document?
20 A. Yes.
21 Q. What does "event property" mean?
22 A. It means the -- to me what does it
23 mean?
24 Q. What does it mean -- you wrote this
25 document. What does it mean in the context of